



Board of County Commissioners

Leon County, Florida

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Agenda Item Executive Summary

Tuesday, October 27, 2009

Title:

Authorization to Submit an Application to the Florida Department of Community Affairs in the Amount of \$10,179,232 for the FY 2008 Supplemental Community Development Block Grant Appropriations for Disaster Recovery Funds and Approval of the Proposed List of Projects

Staff:

Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Don A. Lanham, Grants Program Coordinator

Issue Briefing:

This agenda item seeks Board authorization to submit the 2008 Community Development Block Grant (CDBG) Disaster Recovery Grant application. Funding in the amount of \$10,179,232 has been made available to Leon County to address damage and undertake mitigation activities relating to damages caused by TS Fay during Tropical Storm Fay (TS Fay) and Hurricanes Ike and Gustav. In addition, this item requests Board approval of the proposed list of projects.

Fiscal Impact:

This item is associated with a grant that originates with the U.S. Department of Housing and Urban Development and passes through the Florida Department of Community Affairs. There is no County match required for this program. The program will have a positive fiscal impact by allowing the County to undertake major mitigation activities that are urgently needed but are unfunded. In addition, the County will benefit through the creation of construction jobs necessary to implement the projects.

Staff Recommendation:

Option #1: Authorize the submittal of the 2008 Community Development Block Grant Disaster Recovery Grant application for \$10,179,232.

Option #2: Approve the proposed list of projects.

Report and Discussion

Background:

In September 2008, Congress passed the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009. Nationally, \$6.5 billion was appropriated for recovery activities addressing the disasters that occurred in the U.S. during 2008. Of that amount, \$17.4 million was allocated to the State of Florida for recovery activities addressing damages incurred during Tropical Storm Fay (TS Fay), Hurricanes Ike and Gustav. These funds were to be distributed at the County level based upon damage assessment reports. Although there was no reported damage in Leon County due to the two hurricanes, TS Fay inflicted substantial damage within the County.

The federal funding is distributed by the U.S Department of Housing and Urban Development (HUD) and will be allotted to the State of Florida. In turn, the Florida Department of Community Affairs (DCA) will distribute these funds to eligible counties.

As part of the process, DCA is required to submit an Action Plan to HUD that outlines how the funds would be utilized, including the proposed distribution of funds. The first draft Action Plan was submitted and called for Leon County to receive \$2.7 million. Concurrent with the submittal of the Action Plan, DCA issued a Notice of Funding Availability (NOFA) that announced the grant cycle (time period in which applications are accepted) started August 31 and ended October 5, 2009. An agenda item went to the Board on August 25, 2009 requesting authorization to submit a grant application for \$2.7 million that would fund affordable rental housing activities and flood mitigation activities for the Timber Lake subdivision. The Board approved the request.

Shortly after the release of the original NOFA, an additional federal appropriation occurred, increasing the amount available to Florida to \$81 million. This required DCA to submit a revised Action Plan to HUD. The revised Action Plan used the same distribution criteria and because of the increased appropriation, the Leon County allocation increased to \$10,179,232. A revised NOFA was also issued with the grant cycle, starting on October 27, with applications due no later than December 15, 2009. Subsequently, DCA announced a grant application workshop would occur in early November.

Analysis:

A. General Project Requirements

For Leon County, these funds are specifically designated to address the unmet needs that resulted from the impacts of TS Fay and can only be used for disaster relief and long-term recovery activities. Program requirements are set out in the Federal Register (Volume 74, No. 29 and Volume 74, No. 156). Unless otherwise stated in these documents, all provisions governing the Community Development Block Grant (CDBG) program will apply, including 24 Catalog of Federal Regulations (CFR) part 570, subpart I.

This requires that all projects meet one of three following National Objectives:

1. Benefiting low- and moderate-income residents (80% and below the median income for Leon County) (Attachment #1)
2. Aid in the prevention or elimination of slum and blight
3. Community development needs having a particular urgency

To be eligible for funding, each project must relate to damages caused by TS Fay. Allowable activities are grouped into the following primary categories:

1. Infrastructure and Public Facilities Projects - This includes repairs and improvements to streets, water and sewer systems, and drainage facilities.
2. Assistance to Businesses – This includes repairs and improvements to buildings in commercial or business areas and related activities.
3. Housing Activities – This includes rehabilitation or replacement of housing for low- to moderate-income residents. The County may buy out residential properties located in flood plains and relocate the occupants. When this occurs, all improvements on the property shall be removed and the property left vacant in perpetuity.

At a minimum, 50% of the funds utilized by the County (\$5,089,616) must benefit low and moderate-income persons. All housing activities must benefit low and moderate-income persons.

B. Eligible Projects

To determine which projects would be appropriate and eligible within the given funding criteria, staff from the Grants, Health and Human Services and Public Works divisions have been meeting regularly. As a starting point, material from the January 29, 2009 Board workshop on Tropical Storm Fay was reviewed. An initial list of potential projects was developed and reviewed for eligibility. Considering the CDBG program requirements resulted in a list of eligible projects. Table 1 shows the projects and estimated costs, followed by a description of each of the projects.

Table 1: Projects/Cost

Project	Cost
Timber Lake Subdivision – Flood control	\$2,000,000
Buck Lake/Baum Road – Access for Capitola Community	2,750,000
Fairbanks Ferry Community - Emergency Access	800,000
Fairbanks Ferry Flooded Property Acquisition	400,000
Selena Road – Access	1,000,000
Oakridge Road Residential Property Acquisition	5,500,000
Affordable Rental Housing	1,425,000
Administration	204,000
Total	\$14,079,000

Project Descriptions

1. Timber Lake Subdivision – Although Timber Lake subdivision has experienced minor flooding in the past, TS Fay inundated the subdivision, resulting in residents being unable to leave the subdivision and many homes flooded. The County built an emergency temporary road to allow access to emergency and support vehicles, allowing the evacuation of those residents flooded out and the residents that were not flooded to remain in their homes. The project proposed for Timber Lake is the development of an adequately sized drainage facility to prevent future flooding from occurring (Attachment #2). The estimated cost for this project is \$2 million.
2. Buck Lake/Baum Road – As a result of TS Fay, the Capitola community was isolated due to the roads being flooded. This created a dangerous situation by trapping the residents within the area and denying access to emergency and support vehicles, except by an extremely long detour. The project proposed for Buck Lake/Baum Road is to raise the roads approximately one to two feet to allow access to the community during major flood events, such as TS Fay (Attachment #3). The estimated cost for this project is \$2.75 million.
3. Fairbanks Ferry Emergency Access – The Fairbanks Ferry community is another one that had access blocked due to TS Fay. The proposed project calls for the acquisition of an easement across the south end of a recently constructed subdivision due east of the community. A stabilized pathway would be built and accessed only during major flood events when normal access is not available (Attachment #4). The estimated cost for this project is \$800,000.
4. Fairbanks Ferry Flooded Property Acquisition – Although the Fairbanks Ferry Emergency Access project would address the access issue with most of the community, six parcels are isolated during major storm events. This project calls for the acquisition of these parcels (Attachment #5). The estimated cost for this project is \$400,000.
5. Selena Road – During TS Fay, Selena Road was underwater, isolating the residents. The proposed project calls for the acquisition of right of way and the construction of an all-weather roadway to allow egress for the residents and allow access for emergency and support vehicles (Attachment #6). The estimated cost for this project is \$1 million.
6. Oakridge Road Residential Property Acquisition – The Oakridge Road area is a natural floodway and has flooding during heavy rain events. TS Fay brought the floodwaters to record heights. This project calls for the acquisition of the affected properties that are owned by low- to moderate-income residents (Attachment #7). The estimated cost for this project is \$ 5.5 million.
7. Affordable Rental Housing – The State of Florida is requiring that 14 % of the disaster recovery funding be used for activities that address affordable rental housing. This would result in \$1.425 million being dedicated to that activity. The County is working with the City of Tallahassee to determine and address affordable rental housing that was affected by TS Fay.
8. Administration – The County will be allowed \$204,000 (2%) for administrative purposes.

All of the proposed projects address problems that were caused, or substantially impacted, by TS Fay. As such, they meet one of the primary criteria. As the application is prepared, census data

will be utilized to determine if the project target area will qualify as a predominantly (51%) low-moderate-income (LMI) area. Income surveys have already been completed for the Timber Lake project area and it does not meet the LMI criteria, so the request for assistance in this area will be under the urgent need criteria.

The costs of the listed projects exceed the amount available from the grant by \$3.9 million. Failure to obtain the necessary right of way or flooded properties could result in a project becoming unfeasible. Because of the source of these funds, condemnation is not an option. If, during the application process, a project becomes unfeasible, the County will have a viable, approved option to replace it. This will allow for any problems that could occur in the acquisition of right of way or flooded properties.

C. Citizen Participation and Public Comments

Because the damage assessment data is only available at the County level, the unmet needs cannot be broken down further. To address this, the DCA Action Plan requires that the County consider the needs of all interested parties and allow an opportunity to discuss their unmet needs and the best use of the funds. Public meetings are not required; however, the County will be required to post a public notice in a newspaper of general circulation and the County website that states the type of projects to be undertaken, source and amount of funding available for the activities, a date by which public comments must be made, and who to contact for a copy of the application. A 10-day comment period must be provided.

Options:

1. Authorize the submittal of the 2008 Community Development Block Grant Disaster Recovery Grant application for \$10,179,232.
2. Approve the proposed list of projects.
3. Do not authorize the submittal of the 2008 Community Development Block Grant Disaster Recovery grant application for \$10,179,232.
4. Do not approve the list of proposed projects.
5. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. 2009 low- to moderate- income guidelines for Tallahassee/Leon County
2. Site map for Timber Lake Project
3. Site map for Buck Lake/Baum Road Project
4. Site map for Fairbanks Ferry Emergency Access Project
5. Site map for Fairbanks Ferry Flooded Property Acquisition Project
6. Site map for Selena Road Project
7. Site map for Oakridge Road Residential Property Acquisition Project

[Back](#)[Print](#)